

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

AKORN HOLDING COMPANY LLC, *et al.*¹,
Debtors.

GEORGE MILLER, Chapter 7 Trustee of the
bankruptcy estates of Akorn Holding Company
LLC, *et al.*,

Plaintiffs,

vs.

MCKESSON CORPORATION; MCKESSON
SPECIALTY CARE DISTRIBUTION LLC;
and MCKESSON MEDICAL-SURGICAL,
INC.,

Defendants.

Chapter 7

Case No. 23-10253 (KBO)

(Jointly Administered)

Adv. Proc. No. 24-50042 (KBO)

DEFENDANTS' MOTION TO DISMISS COMPLAINT

Defendants McKesson Corporation, McKesson Specialty Care Distribution LLC, and McKesson Medical-Surgical, Inc. ("McKesson"), by and through their undersigned counsel, files this Motion to Dismiss ("Motion") counts five (5) and six (6) of the Complaint filed by George Miller, in his capacity as Chapter 7 Trustee of the bankruptcy estates of Akorn Holding Company LLC, *et al.*

¹ The Debtors in these Chapter 7 Cases, along with the last four digits of each Debtor's federal tax identification number, are: Akorn Holding Company LLC (9190); Akorn Intermediate Company LLC (6123) and Akorn Operating Company LLC (6184). The Debtors' headquarters was located at 5605 CenterPoint Court, Gurnee, Illinois 60031.

(“Plaintiff”). In support thereof, Defendants rely on their Memorandum of Law in Support of Defendants’ Motion to Dismiss (“Memorandum of Law”) filed contemporaneously with the Motion.

WHEREFORE, for the reasons set forth in the accompanying Memorandum of Law, moving Defendants respectfully request that this Court issue an Order granting the Motion and dismissing counts five (5) and six (6) of the Complaint with prejudice, and granting such other relief this Court deems just and proper.

DATED: June 3, 2024

By: /s/ Jason C. Powell (No. 3768)

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